D.B.CIVIL SPECIAL APPEAL NO.629/2006

DATE OF ORDER : 19/10/2006

HON'BLE SHRI RAJESH BALIA,

HON'BLE SHRI GOPAL KRISHAN VYAS, J.

Mr.Nitin Trivedi, for the appellant.

The appellant has challenged the transfer order dated 15/10/2002 by which the petitioner's transfer from Ranadhisar to Sadulganj dated 29/9/2002 was cancelled. The petitioner was working at Ranadhisar since 2000 and by order dated 29/9/2002 he was transferred to Govt. College, Sadulganj, Bikaner where he joined on 4/10/2002. The order transferring the petitioner from Ranadhisar to Sadulganj was cancelled vide order dated 15/10/2002, which was made subject matter of appeal before the Rajasthan Civil Service Appellate Tribunal and the same was stayed on 2510/2002. The petitioner continued to serve at Sadulganj in terms of interim order passed by the Tribunal.

On 10/7/2006, the Tribunal rejected the appeal of the petitioner, which order was subject matter of writ petition. While issuing notice of the writ petition, the application for continuing the stay order of transfer dated 15/10/2002 has been rejected. Hence this appeal.

We are of the opinion that petitioner has already continued at Sadulganj for more than four years and appeal against transfer having been rejected, it is for the State Government to pass fresh order in the changed circumstances inasmuch as the post at Ranadhisar must not be vacant by now to which the petitioner has been retransferred. The petitioner cannot claim, as a matter of right, to continue at Sadulganj. However, in the changed circumstances, it will be proper that State Government may pass fresh order transferring the petitioner at appropriate place within 15 days.

With these observations, the writ petition as well as this appeal stand disposed of.

(GOPAL KRISHAN VYAS), J. (RAJESH BALIA), J.

Pankaj Baweja.